

1 **BILL NO. 2008-61**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO AMEND THE CITY'S SOLID WASTE REGULATIONS CONCERNING
4 MANDATORY WASTE COLLECTION SERVICE REQUIREMENTS, AND TO PROVIDE FOR
OTHER RELATED MATTERS.

5 Sponsored by: Councilman Steven D. Ross

Summary: Establishes electric utility service,
rather than water service, as the basis for
requiring a property to subscribe to mandatory
solid waste collection service.

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8 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
9 AS FOLLOWS:

10 SECTION 1: Title 9, Chapter 8, Section 210, of the Municipal Code of the City of
11 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

12 **9.08.210:** (A) To ensure the uniform, safe and sanitary treatment of solid waste in the City and
13 to discourage the illegal handling and disposal of solid waste, it shall be mandatory for any person
14 owning, occupying or managing any premises in the City which are connected to [water] an electric
15 utility service to subscribe to solid waste collection service provided by the City or its authorized
16 franchisee and to pay the charges specified in this Chapter. No person may discontinue paying for
17 solid waste collection service for his or her premises, unless such premises are not connected to
18 [water] an electric utility service for the entire billing period.

19 (B) In order to discontinue paying for solid waste collection service pursuant to
20 Subsection (A) of this Section, a person must request discontinuation of service and provide proof that
21 no [water] electric utility service to the premises is provided. No fee may be charged to discontinue
22 service or to reestablish service to the premises after service has been discontinued pursuant to this
23 Subsection (B).

24 (C) All charges for regular or periodic services provided by the City, its franchisees,
25 or their duly appointed agents[,] pursuant to this Chapter shall be billed on the first business day of
26 the quarterly or monthly billing period, as applicable, and shall be due and payable on the last day of
27 the billing month; provided, however, that charges for on-call service may be billed at the time of
28 service. All charges for services under this Chapter, including the penalties for delinquent payment,

1 shall constitute a debt and obligation of the legal owner of the premises to the City or its franchisee,
2 and such person shall be liable therefor in a civil action commenced by the City or its franchisee in
3 any court of competent jurisdiction for the recovery of such charges and penalties.

4 (D) If any person fails to pay the charges authorized by this Chapter by the date they
5 become due and payable, a penalty shall be added thereto of three dollars per quarter (or fraction
6 thereof) for residential accounts and two percent per month (or fraction thereof) of the delinquent
7 amount for commercial accounts.

8 (E) A customer shall be entitled to a refund of any advance payment for service he
9 or she has made upon presenting proof that a connection to [water] an electric utility service did not
10 exist at the customer's premises during the entire billing period for which the advance payment was
11 made. All refunds from a franchisee to a customer shall be paid within thirty days from the date of the
12 customer's request for reimbursement or date of franchisee's knowledge that a refund is owed.

13 (F) No person shall accept and no franchisee shall offer or give any solid waste
14 collection, transportation and disposal services or curbside recyclables collection services without
15 charge, or shall offer or give a discount, refund or rebate of any charge authorized by this Chapter,
16 except that this provision does not apply to any credits or refunds issued pursuant to Section 9.08.340,
17 charitable organizations which are exempt from federal income tax pursuant to Section 501(c) of the
18 Internal Revenue Code or as further provided by franchise agreement.

19 SECTION 2: If any section, subsection, subdivision, paragraph, sentence, clause or
20 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
21 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
22 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
23 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
24 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
25 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
26 invalid or ineffective.

27 SECTION 3: Whenever in this ordinance any act is prohibited or is made or declared
28 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is

1 required or the failure to do any act is made or declared to be unlawful or an offense or a
2 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
3 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
4 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
5 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

6 SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases,
7 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
8 1983 Edition, in conflict herewith are hereby repealed.

9 PASSED, ADOPTED and APPROVED this _____ day of _____, 2009.

10 APPROVED:

11 By _____
12 OSCAR B. GOODMAN, Mayor

13 ATTEST:

14 _____
15 BEVERLY K. BRIDGES, CMC
City Clerk

16 APPROVED AS TO FORM:

17 Val Hard 12-3-08
18 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2008, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the _____ day of
5 _____, 2009, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

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12 APPROVED:

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14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

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17 BEVERLY K. BRIDGES, CMC
City Clerk

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